

## REMARKS

### Status of the Claims

The Office Action mailed March 17, 2009 noted that claims 7-17 were pending and rejected all claims. Claims 8 and 17 are amended. No claims are cancelled. No new claims are added. No new matter is believed to be presented.

In accordance with the foregoing, claims 7-17 are pending and under consideration. Reconsideration of the claims is respectfully requested. The rejections are traversed below.

### Rejections under 35 U.S.C. § 103

The Office Action, on page 2, in item 4, rejected claims 7-9 and 11-16 under 35 U.S.C. § 103 as being unpatentable over Macromedia Flash in view of Bernstein (U.S. Patent Application Publication Number 2004/0093565) in view of Buxton (U.S. Patent Number 6,094,197) and further in view of Fox (U.S. Patent Application Publication Number 2002/0171690). This rejection is respectfully traversed below.

Fox discusses a method of scaling the size of a graphical widget based upon a pointer's distance from the widget which is based on a theoretical mass of a pointer, and a theoretical mass of the widget. As a pointer becomes a within a distance from the widget, the widget expands to a larger size. Additionally, Fox notes that as the pointer is within a distance from the widget, it becomes gravitationally attracted to the widget based on the masses. However, Fox notes a difficulty when two widgets are in the vicinity of one another and the distance B between each widget overlaps as depicted in Figure 5. (See Fox, paragraphs [0002], [0004], [0032]-[0036] and Figures 3a-3c).

The Office Action on page 4 appears to make estimates that when a pointer is within 2.5 widget distance from the widget, the widget expands to 5 times its previous size and the pointer snaps to the widget due to the gravitational pull of the widget. It is unclear to the Applicant how these estimates have been ascertained in the Office Action, and in any event, nothing in Fox teaches "the graphic has target areas with target sizes of greater than  $2e$  where  $e$  is a distance error accuracy of an input device." The Office Action asserts:

Fox teaches graphic having target areas with target sizes greater than  $2e$  widget 21 has a target size greater than 2 times the distance error of the pointer to the widget for selection emphasis, i.e., as the physical pointer position 25 approaches target boundary dimension 23, which is approximately 2.5 widget distance from the widget to the pointer, the force field of the pointer

snaps to the selectable portion of the widget and the widget expands its physical size to a boundary dimension 5 times its previous size.

(See Office Action, page 3, line 21 – page 4, line 6.)

Even assuming these estimates are valid, the widget size of Fox is based on a distance from the pointer, and the widget is expanded in size when the pointer of Fox gets within a distance B based on the square root of the mass of the widget / mass of the pointer, and contracted when the pointer is at a distance greater than B. (See Fox, Figure 1, 11 and 13 and Title of Fox). **Thus, the widget target size of Fox is not based on a distance error accuracy of an input device, but based on proximity from a selection pointer.** This is made even clearer by claim language of claim 1 of Fox: "determining the distance D between a displayed GUI widget and a displayed selection pointer; and scaling the visual size of the displayed GUI based on the distance D." Finally, nothing found in Fox confirms the Office Action's estimates and thus they appear to be nothing more than impermissible hindsight which has been gleaned not from Fox, but from the Applicant's specification. (See Office Action on page 3 citing pages 3-4 of the Specification and MPEP 2145).

Additionally, Fox notes that selection difficulty and selection errors may increase if the target areas were close enough to cause overlapping B distance values and competing gravitational pulls, and thus Fox provides a different equation 13 to solve for B in such an instance. (See Fox, Figure 5, and paragraphs [0030] – [0031]). These technological difficulties would not encourage and motivate one of ordinary skill in the art at the time of the invention to solve the problems of this application by combining the teachings of Fox with the teachings of Macromedia Flash, Bernstein, and Buxton without making significant changes to the teachings of Fox. (See MPEP 2141, V(A)). Finally, the Office Action's reason on page 4 for combining Fox with the other references is also unrelated to solving the problem related to **a distance error accuracy of an input device**, but is related to attempting to solve the problem of human inaccuracy, addressing manual dexterity and concentration of a user.

In conclusion, combining the teachings of Fox with the teachings of Macromedia Flash, Bernstein, and Buxton would not teach "the graphic has target areas with target sizes of greater than  $2e$  where  **$e$  is a distance error accuracy of an input device**" because Fox is entirely silent regarding distance error accuracy of an input device.

Furthermore, nothing cited or found in Fox, Macromedia Flash, Bernstein, and Buxton teaches "allows a corresponding layer to be edited **by hand drawn gestures**." These references do not discuss allowing editing by hand drawn gestures.

The dependent claims depend from the above-discussed independent claims and are patentable over the cited references for the reasons discussed above.

The Office Action, on page 6, in item 5, rejected claim 10 under 35 U.S.C. § 103 as being unpatentable over Macromedia Flash in view of Bernstein, Buxton, Fox, and further in view of Tosey (U.S. Patent Application Publication Number 2004/0125153). This rejection is respectfully traversed below.

Claim 10 depends upon claim 8 and patentably distinguishes over Macromedia Flash, Bernstein, Buxton, Fox, and Tosey, taken alone or in combination for at least the reasons discussed above.

The Office Action, on page 6, in item 6, rejected claim 17 under 35 U.S.C. § 103 as being unpatentable over Macromedia Flash in view of Bernstein, Buxton, Fox, Tosey and further in view of Decoste (U.S. Patent Number 6,317,142). This rejection is respectfully traversed below.

Independent claim 17 recites "each of the controls has a target size of greater than 2e **where e is a distance error accuracy of an input device**" which is not taught by Macromedia Flash, Bernstein, Buxton, Fox, Tosey, and Decoste, taken alone or in combination because of the deficiencies of Fox discussed above. The size of the widgets in Fox is based upon a proximity to a selection pointer, not a distance error accuracy of an input device.

Furthermore, claim 17 patentably distinguishes over Macromedia Flash, Bernstein, Buxton, Fox, Tosey, and Decoste because nothing cited or found teaches "a marking menu control activatable for each layer that allows the layer to be edited **by hand drawn gestures**." The references do not discuss allowing editing by hand drawn gestures.

## Summary

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

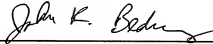
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 7-17-09

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